Education and Public Health (194 9) Department

Ms. SERIES.

G.O. NO. 3527, Education,

3527

Dated 16-11-1949

[Despatch Abstract.]

ESTABLISHMENT - Sri K. Srinivasa Rao, Head Clerk, Government College, Mangalore (now nder suspension) - False date of birth - Orders passed.

CONFIDENTIAL:

From:

The Director of Public Instruction,
MADRAS.

To:

The Secretary to Government,
Education & Public Health Dept.,
Fort St.George, MADRAS.

R.C.No.3834-C5/48 dated 4 October,1949.

Sir:

Sub: Allegations against Sri K.Shrinivas Rao, Head Clerk, Government College, Mangalore(now under suspension)--False date of birth--Disciplinary action--Orders requesting.

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In December,1948 two pseudonymous petitions were received by me which contained, among other things, an allegation that the date of birth entered in the Service Book of Sri K.Shrinivas Rao, then Head Clerk, Government College, Mangalore was incorrect and that according to the entries relating to him in the records of the schools in which he had studied, his correct date of birth should be 13.4.1892 . The matter was investigated and true extracts from the Admission Registers of the Canara High School, Mangalore and the B.E.M.High School, Mangalore were obtained. According to the records of the B.E.M.High School, Sri K.Shrinivas Rao, son of Sri Kudukolli Narnapayya, is shown as having been admitted on 2nd October 1901 in the III class and that his date of birth was 13th April 1892(13th April Eighteen Hundred and Ninetytwo). According to the records of the Canara High School, Mangalore Sri K.Shrinivas Rao is as having been admitted into II Form on 9.6.1906, into III Form on 7th July,1908, into VI Form on ~~8th~~ 25th June,1912 and again into VI Form on 8th July,1913. On all the above four occasions the date of birth of Sri K.Shrinivas Rao has been entered in the Admission Register as 13th April,1893(Eighteen Hundred and Ninety-three). But in the Service Book of Sri K.Shrinivas Rao as well as in the April Returns relating to the years 1920,1921 and 1922 his date of birth has been shown as 13th April,1896(Eighteen hundred and ninety-six). From the Nominal List of Candidates who appeared for the S.S.L.C. Public Examination, maintained in the Office of the Commissioner for Government Examinations, it has been ascertained that he appeared for the S.S.L.C.Public Examinations, through the Canara High School Mangalore in the years 1913 and 1914 and that his age in complete years as calculated on the 1st March of the year of appearance was shown in the above lists as 19 and 20 in the years 1913 and 1914, respectively. According to the above record the year of birth of Sri K.Shrinivas Rao should be 1893 and this is in agreement with the date of birth given in the records of the Canara High School, Mangalore.

2.It may be observed that the year of birth of Sri K.Shrinivas Rao as entered in official records is different from that found in his school records. As the correctness of the date of birth as entered in the Service Book is now challenged and the date of birth as entered in the records of the school in which he last studied is different, Sri K.Shrinivas Rao was called upon to submit his S.S.L.C. or other records to show his correct date of birth.-Vide copy of Memo R.C.No.133A/49 dated 17.2.49 of the Principal, Government College, Mangalore and also of the reply dated 18.2.49 from Sri K.Shrinivas Rao.

3. In the Director's Proceedings R.C.No.3834-C5/48-1 dated 23.5.1949, Sri K.Shrinivas Rao was informed that the date of his birth as entered in the Admission Register of the Canara High School in which he studied and completed his S.S.L.C.Course, was 13th April,1893 and he was directed to submit his explanation as to why 13th April,1893 should not be taken as the correct date of his birth. He was requested to submit, in original, his S.S.L and any other documents which he might wish to produce as evidence for his statements. A copy of his reply dated 26.5.1949 and of his further representation dated 14.6.1949 together with his horoscope written on palm-leaves, received from Sri Shrinivas Rao are submitted herewith.

4. In view of the fact that Sri K.Shrinivas Rao was not able to produce any proof in support of the date of birth entered in his Service Book and in view of the fact that he should have normally retired from service on 13.4.1948 according to the date of birth entered in the School records and also in view of the receipt of another pseudonymous petition in the meantime alleging that the Head Clerk had cheated the Government in respect of the grant of fee concession to a pupil K.Narayana Rao, I considered it undesirable to continue him on duty. I have therefore kept him under suspension with effect from the afternoon of 31.5.1949, pending an enquiry into the irregularities alleged to have been committed by him. - Vide copy of my Proceedings R.C No.3834-C5/48-2 dated 27.5.1949 enclosed.

5. In my Confidential Proceedings R.C.No.3834-C5/48 dated 9.8.1949(copy enclosed), Sri K.Shrinivas Rao was given one more opportunity to produce evidence of his correct date of birth. He was requested to obtain and submit a Certified Extract from the Birth Register of the Town or Village in which he was born showing the correct date of his birth. In reply, he has submitted an Endorsement dated 19.8.1949 from the Tahsildar of Puttur South Kanara District, to the effect that the records of copies applied for by K.Shrinivas Rao were not traceable in the records of that Office. He(Sri Shrinivas Rao) has also submitted an Affidavit dated 25.8.49 signed by his elder brother Sri K.Babu Rao, to the effect that the former, was born on 13th April,189((Copies of the reply dated 27.8.49 and its enclosures are submitted herewith)

6. In the absence of any other proof except the horoscope on palmleaves and the sworn affidavit of his own brother-which cannot be relied upon--I consider that the date of birth(13.4.1896) entered in the Service Book cannot be taken as correct. I am opinion that the correct date of his birth is 13th April,1893 which is found in the records of the school in which he last studied, as these records can be taken as reliable ones. According he should have retired from service with effect from 13.4.194 Moreover, the circumstances under which the date of birth was entered as 13.4.1896 in the Service Book are suspicious. It is also not known what satisfactory proof other than his S.S.L.C., he could have produced for entry of date of birth in his Service Register, he being a person who had completed his S.S.L.C.Course.

7. In this connection I must say that the date of attestation of the entries on the first page of Vol.I of the Service Book of Sri K.Shrinivas Rao is badly tampered with. It is seen from the files of this Office that it was reported that the original Service Book was eaten away by white-ants and the present one was opened and re-written by the Clerk himself in 1933. The authenticity of the entries regarding his service were doubted and they were then got verified and attested by the heads of several Offices and institutions in which he had served previously. The entries relating tohis service in the Government Victoria College, Palghat were found attested by a facsimile signature of Mr.H.C.Papworth, who was the Principal of the College at the tim the Service Book was re-written. Mr.Papworth, however, stated (copy of his letter enclosed) that he never used a facsimile for signing service registers and the Clerk must have come into possession of his facsimile by wrongful means. The then Director

ordered that the matter should be dropped. It seems that the entry regarding date of birth in the duplicate Service Book (i.e.,the present Service Book--Vol.I) was not verified then, although the entries regarding his service in the several offices were got duly verified. The possibility of making an incorrect entry in regard to date of birth does not appear to have been thought of then, and thus the date as entered by Sri K.Shrinivas Rao himself has been allowed to remain in the Service Book, presumably without any verification.

8. As regards the other allegation regarding grant of fee-concession under Rule 92 Madras Educational Rules to a pupil, K. Narayana Rao, the matter was investigated by the District Educational Officer, South Kanara. From the District Educational Officer's reports it is seen that the pupil is not the son of Sri K.Narayana Rao, as alleged in the petition, but is an orphan boy belonging to a backward community, and living with his grand-mother, a maid servant, in the house of Sri K.Shrinivas Rao. However, in the course of the investigation it was noticed by the District Educational Officer, that the Income Certificate produced in respect of the pupil was missing from the file and the Principal, Government College, Mangalore attributes the disappearance of this document to deliberate mischief on the part of somebody. As Sri K.Shrinivas Rao was in charge of scrutiny of Income Certificates then, the disappearance of the Income Certificate leads to suspicion against the Head-Clerk. Apart from this, there is no definite direct evidence to substantiate the allegations against Sri K.Shrinivas Rao in respect of fee-concession granted to the pupil, K.Narayana Rao, Hence this matter has been dropped.

9. In the circumstances explained in paragraphs 1 to 7 above, I have the honour to request that the Government may be pleased to inform me whether the correct date of birth of Sri K. Shrinivas Rao may be taken as 13.4.1893 and whether he may be deemed to have retired from service with effect from 13.4.1948. If so, the excess amount paid to him subsequent to that date will be recovered from his pension.

10. The Service Book(in 2 Volumes) of the Head-Clerk (under suspension) is also submitted herewith for perusal and return.

Yours faithfully,

DIRECTOR OF PUBLIC INSTRUCTION.

Copy of letter R.C.No.133/A-49 dated 17.?.1949 from the Principal, Government College, Mangalore, addressed to K.Srinivasa Rao, Head Clerk,Govt.College,Mangalore-ooo-

Sub: Sri K.Srinivasa Rao--Head Clerk--Government College, Mangalore--Date of birth--Certain records--requested.

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Sri K.Srinivasa Rao,Head Clerk, Government College, Mangalore is requested to submit the following records showing the correct date of birth.

1. Matriculation Certificate and other authentic records.

2) Correct details regarding the year in which he appeared for the Matriculation or S.S.L.C.Public Examination, the centre at which he appeared, the institution in which he studied and completed his matriculation or S.S.L.C.Course and the Second Language selected by him for the examination should also be submitted.

3) This should be treated as urgent.

(TRUE COPY.)

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Copy of letter dated 18th February,1949 from K.Srinivasa Rao, Head Clerk, Mangalore, addressed to the Principal, Government College, Mangalore.

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Your reference R.C.No.133A-49 dated 17.?.49--Date of birth.

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I am confined to bed due to grave illness. Owing to frequent transfers from place to place during my service of more than thirty years I had lost all my records. I therefore regret my inability to furnish the information called for from ~~the~~ me in the above cited reference.

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~~R.C.5Confl.49~~

Copy of letter/dated 26.5.1949 from K.Srinivasa Rao, Upper Division Clerk Office of the Divisional Inspector of Schools, Coimbatore, addressed to the Director of Public Instruction, Madras, through the Divisional Inspector, Coimbatore.

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Ref: Your Proceedings R.C.No.3834-C5/48/1 dated ?3rd May,1949.

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My correct date of birth is 13.4.1896 according to my horoscope. This was furnished to the appointing authority at the time of my entry to service. There is no other records available with me except my horoscope which is herewith submitted.

A copy of my reply given to the Principal, Government College, Mangalore touching the matter is herewith submitted for favour of your kind perusal.

I do not accept any wrong entry regarding my date of birth as it was not furnished by me, then to the school records incorrectly.

Encl:

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Copy of letter dated nil addressed to the Principal, Government College, Mangalore from K.Srinivasa Rao.

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Ref: Your R.C.No.133/A/47 dated 17.?.49.

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In continuation of my report dated 19.?.49 I further submit that I had furnished my date of birth according to my horoscope at the time of

appointment. This was verified with other age proof and accepted by the appointing authority who was also the competent authority to sanction any alterations in the date of birth in the school record according to S.S.L.C.Rules. The District Medical Officer who had examined me at the time of my confirmation also had examined estimated my date of birth to be correct in the age certificate issued by him on my behalf. This certificate was enclosed to my first pay-bill and sent to Accountant General, Madras, and the same date of birth was recorded in my service Register. Every year in the Establishment Return, my date of birth, was reported by the Officers where I was serving to Accountant General, Madras, after verification.

I studied in the Canara High School and completed my S.S.L.C Course in or about 1912 or 1913. My Second Language was Sanskrit.

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Copy of D's Proceedings R.C.No.3834-C5/48-2 dated 27.5.1949 from the Director of Public Instruction, Madras, to Sri K.Shrinivasa Rao, upper Division Clerk, Office of the Divisional Inspect or of Schools, Coimbatore Division, thro' the Divisional Inspector of Schools, Coimbatore & copy to the Divisional Inspector of Schools, Coimbatore Division, Accountant General, Madras and the Principal, Govt. College, Mangalore & copy to C Section.

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Sub: Compalaints--Allegations against Sri K.Shrinivasa Rao, permanent Head Clerk--Suspension--Ordering.

Read: Director's Proceedings R.C.No.3834-C5/48-1 dated 23.5.1949.

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Sri K.Shrinivasa Rao, permanent Head Clerk, Govt.College, Mangalore and Officiating U.D.Clerk, Office of the Divisional Inspector of Schools, Coimbatore,Division, is kept under suspension with effect from the date of receipt of these Pros., pending an enquiry into certain xii irregularities alleged to have been committed by him.

2.During the period of his suspension, Sri K.Shrinivasa Rao will be paid during the first year of such suspension a subsistence allowance per mensem at one-half of the average pay and at three-eights of such pay during the subsequent period of his suspension. He will also be paid during the period of suspension dearness allowance at the rate admissible under G.O.No.99 Finance, dated 29.1.1948 taking the subsistence xx dxx allowance as the pay for the purpose of calculation of dearness allowance in accordance with the instructions in G.O.No.457, Fin.,dated 8.5.1948.

3.The Divisional Inspector of Schools is requested to report the date from which Sri K.Shrinivasa Rao is kept under suspension.

4.The Divisional Inspector of Schools is requested to cancel his orders granting leave to Sri K.Shrinivasa Rao.

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By Regd.Post. & Ack.Due.

Copy of Director's xxxxxx Proceedings R.C.No.3834-C-5/48 dated 9.8.1949 to Sri K.Shrinivasa Rao, Head-Clerk(under suspension), Near Guthamasthana, Kodiyalbail, Mangalore & copy to the Divisional Inspector of Schools, Coimbatore Division.

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Sub: Allegations against Sri K.Shrinivasa Rao, Head-Clerk(under suspension.

READ: Petition dated 14.6.49 from Sri K.Shrinivasa Rao, Head-Clerk(under suspension) Mangalore, received with the Endorsement R.C.No.5 Cfl./49 dated 28.6.49 of the Divisional Inspector of Schools, Coimbatore Division.

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With reference to his explanation dated 26.5.1949, and his

petition dated 14.6.49 read above, Sri K.Shrinivasa Rao is informed that the horoscope produced by him cannot be taken as a reliable evidence for proving the correctness of the date of his birth and cannot, therefore, be accepted. He is, requested to obtain and submit a certified extract from the Birth Register of the Town or Village in which he was born, showing the correct date of his birth.

2. A reply to these Pros. should reach the Director on or before 25th August,1949.

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Copy of letter dated 27.8.1949 from K.Shrinivasa Rao, Upper Divisional Clerk, Divisional Inspector of Schools, Coimbatore, now residing in Kodiyalbail, near Guthema Temple, Mangalore addressed to the Director of Public Instruction, Madras, and copy to the Divisional Inspector.

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Sub: Your Proceedings R.C.No.3834-C5/48 dated 9.8.1949--Extract of Birth.

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With reference to your proceedings cited above and in continuation of my letter dated 20.8.1949, I beg to inform you that I was born in Chikamudnoor Village of Puttur Taluk in my ancestral family house at Muddodi. I applied to the Tahsildar of Puttur Taluk for the certified copy of my date of birth. The copy of my application is herewith enclosed. The order thereon that the records are not traceable is also enclosed.

2. I am enclosing herewith the Kannada Almanac of Durmukhi samvatsara (1896) which contains an entry of my birth on 13.4.1896. The entry is made by my deceased father and shows in his own handwriting my birth. He died in 1922. A sworn affidavit of my brother K.Babu Rao, proving the said entry by my father and also the fact of my birth is also enclosed. As you may be aware that this is the best proof under the Indian Evidence Act. In addition to all this you have my horoscope already sent to you.

3. In the face of these documents, I hope you will not persist in your previous attitude of saying that my date of birth is anything other than 13.4.1896 which stood in my Service Register for nearly 32 years.

4. These documents sent, are very important and may therefore be kindly returned to me soon after your perusal.

5. I may submit that this is not a matter which can be raked up on the eve of my service. The appointing authority was only the competent authority to deal with the question at the time of my appointment. My age was also approved by the District Medical Officer who examined me, at the time of my appointment.

6. I therefore submit that step you have now taken is quite unjust and illegal and I therefore request you to be good enough to kindly cancel your proceedings R.C.No.3834-C5/48-2 dated 27.5.1949, and order my reinstatement with effect from 1.6.1949.

Encl: 1) Almanac. 2) Copy of my petition to the Tahsildar. 3) Tahsildar's Order. 4) Affidavit.

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Copy of letter dated 14.8.1949 from K.Shrinivasa Rao,Residing near Guthiamma Temple, Kodialbail, Mangalore addressed to the Tahsildar of Puttur Taluk, Puttur, S.K.

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Kindly grant me a certified copy of the extract of my date of birth the particulars of which are furnished below:-

Father's name:	Kudkoli Narnappayya.
Mother's Name:	Satyabhama.
Caste:	Brahmin.
Sex:	Male.
Date of Birth:	13.4.1896.
Village:	Chikkamudnoor.(Muddodi)

I affix herewith the necessary stamps towards the searching, copying etc.

Copy of Tahsildar's L.Dis.C.A.422-49 dated 19.8.1949(Puttur) addressed to the petitioner.

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Endorsement.

Copies--Extract of birth--Grant of--Petition--Orders--Issued.

Ref: Petition dated 14.8.1949 of Sri K.Srinivasa Rao, Residing near Guthiamma Temple, Kodialbail, Mangalore.

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The petitioner is informed that the records of copies applied for are not traceable in this office records.

2.The copy stamp paper worth Rs.0/3/0 is returned herewith.

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Copy of Affidavit of Kudukolli Babu Rao son of Kudukolli Narnapayya.

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I, Kudukolli Babu Rao son of Kudukolli Narnappayya, Shivalli Brahmin, aged about 67 years, residing in Kodiyalbail, Mangalore Town, make oath and say as follows:-

1.I am the elder brother of Kudukolli Srinivasa Rao. My father expired in 1922.

2.I say that my father Kudukolli Narnappayya had maintained several almanacs in respect of the years when we his children were born. One such almanac for the Dhurkukhi Samvatsara bears an entry regarding the birth date of my younger brother Kudukolli Srinivasa Rao. The entry is in the handwriting of my deceased father. The second son of our father is the aforesaid Srinivasa Rao. He was born on Monday at sunrise on the 13th April,1896 corresponding to the 2nd of Mesha month and 30th day of the Chaitra month of the said Dhurnuki Samvarsara. This is the date of birth of my younger brother as entered by our deceased father in the almanac preserved in our house.

All this is true,

Sworn and signed before me this 25th day of August,1949, after this affidavit was read over and interpreted in Kannada which language he is conversant with and admitted to be true.

Sd/-A. x x x x
STATIONARY SUB MAGISTRATE.

Seal of
Stationary
Sub Magistrate of
Mangalore Taluk.

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Copy of letter No.222/33 dated 20th July,1933from H.C.Papworth, Esq.,I.E.S.,Principal, Govt. Muhammadan College, Madras to the Principal, Govt.Victoria College, Palghat.

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In reply to your letter R.C.No.211/33 dated 13th July,1933, I have the honour to inform you that I have no recollection of K.Sreenivasa Rao's service register and record of service being destroyed by white ants and of ordering him to re-write them. I presume that his service register was kept along with the registers of other members of the staff, and that if it suffered from attacks of white ants, the others would have similarly suffered.

I have never used a facsimile for signing service registers, as a glance at the hundreds of other service registers I have signed will show. Further, the clerk must have come into possession of my facsimile by wrongful means. I always kept my facsimile locked up. The lock and key were good ones, bought by me personally at Spencers, and I always kept the key in my possession. It looks as if the clerk must either have had the lock picked in my absence, or perhaps he had my signature photographed

and a facsimile or another one was used. I may add that I kept m facsimile xx xxxxxxx xxx in the top right hand drawer of my desk in my room at the College.

My facsimile has never been used except by myself, or by a person authorised by me, and in the latter case, it has always been used in my presence. The Head Clerk never used it.

The table with the two drawers and amirror was purchased for the Principal's bathroom at the College by my predecessor. Lobo. It is College property.

From

K. Shrinivas Rao,
Upper Division Clerk, (under Suspension)
Office of the Divisional Inspector of Schools,
Coimbatore, at present residing near
Guthemasthana, Koiyalbail, Mangalore, S.K.

To

The Director of Public Instruction,
Madras

Through The Divisional Inspector of Schools,
Coimbatore.

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Sir,

Ref. D.P.I's Proceedings R.c.No.3884-C5/48-1
dated 23-5-1949 and R.c.No.3834-C5/48-2
dated 27-5-1949.

In continuation of my reply dated 26-5-1949 I beg to submit that I have given my true age and satisfactory proof of the same and qualifications to the appointing authority at the time of my appointment. Subsequently, I have also passed the Deputy Inspector's Test with accounts as could be seen from my Service Register. On the basis of this, true age and qualifications I served over 31 years in the Department and thus acquired a legal right for pension under the C.S.R.

In these circumstances, I am legally entitled to serve until I complete my age of 55 years. I would also submit respectfully that the question now raised as regards my age & qualifications cannot be now re-agitated as the matter is concluded by estoppel and by passing of such a long period as 31 years.

In these circumstances the above quoted order is ultra vires, illegal and quite unjust. Above all it causes very great hardship and unmerited disappointment to me.

I therefore humbly pray that you may be kindly

pleased to reconsider the decision and pass favourab
orders. Should you still feel doubts in the matter
request you to kindly place my hard case before the
Government for orders.

Est. - Sri K. [illegible] Rao, [illegible]
clerk, Govt. College Mungeli [illegible]
[illegible] - [illegible]
[illegible]

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[illegible]

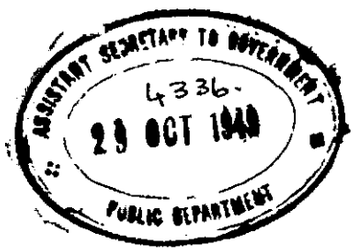
Est. No. Mo./No. 3527 Estd. 16.11.49

In lieu [illegible]
Stated by the D.P.I. in his [illegible]
circular, the first [illegible]
[illegible] and [illegible]
[illegible], Head Clerk, Govt. [illegible] Mungeli
be treated as [illegible]
be treated as having [illegible]
[illegible] from 15.4.48.

His [illegible]
after that date will be [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]

From the D.P.I., No.3834-C5/48, dated 4-10-1949.

Allegations against Sri K.Srinivasa Rao, Head Clerk Govt. College, Mangalore (now under suspension) - False date of birth.



Please see the D.P.I.'s letter and its enclosures in the c.f. There are two allegations against the clerk, viz., that he entered a false date of birth in the service register and that he cheated Govt. by granting a fee concession under Rule 92 M.E.R. The Director ~~xxxxxx~~ consider the second matter may be dropped.

As regards the first allegation, the Director himself says that the circumstances under which the alleged false date of birth was entered in the service register are suspicious. It will be really hard to punish a man at the fag end of his service (he has put in 32 years service) on mere suspicion. A regular enquiry into the matter at this distance of time is not also likely to be of much use. The difference between the date of birth as given by the clerk and the alleged correct date of birth is 3 years. Even if the clerk is examined by a doctor it may not be possible to find out the corre age. It seems that the Director may be asked to cancel his proceedings placing the clerk under suspension and allow him to continue till the age of superannuation. (13.4.1950)

Public (Ser.) and Fin. may see.

Indn (Gen) Dept

Please see E & P.H. note overleaf. This deptt may agree with E & P.H. Secy that there is sufficient evidence to prove that the Head Clerk was born in 1893 In the circumstances stated in the D.P.I.'s letter at pp. 1-3 c.f., it seems that it may be taken as conclusive, ~~and that his proposal in para 6 at p. 3 may be accepted~~

Subject to orders the file may be passed on to Finance.

Para 7 of the D.P.I's report clearly shows that the date of birth has been tampered with. This Deptt may agree that the date of birth may be taken as 13.4.1893.

Indn U.O. No. 4336/49-I
dated 1-11-49.

ASSISTANT SECRETARY TO GOVERNMENT
3 NOV 1949
FINANCE DEPARTMENT

Finance (C.S.R)

This deptt. may agree with the views of Public above. The proposal in para 9 on p. 3 c.f. may be agreed

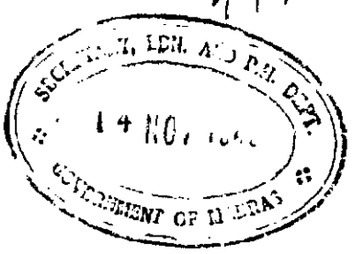
Thiru Pannian

O.U. 557 Fin 2074021/49-1
7.11.49
Box

Please see the note
and finance on p 2 re. the
order on approval.

DPH
CA/11/69

9/11/69.



MEMORIAL TO GOVERNMENT OF MADRAS.

To

The Secretary,

22 DEC 1949

To The Government of Madras (Education),
Fort St. George, M a d r a s

Through

1. The Director of Public Instruction, Madras.
2. The Divisional Inspector of Schools, Coimbatore.

Humble Memorial of K. Srinivasa Rao,
residing at Kodialbail, near Guthêma Temple,
Mangalore, South Kanara.

Sir,

Sub: Establishment - Madras Ministerial Service - K. Srinivasa Rao - Government College, Mangalore - Compulsory retirement - request for reconsideration.

Ref: G.O.Ms.No.3527 Edn. dated 16th November 1949 issued on Director's Pros.R.C.3834-C5/48 dated 23-11-1949.

Being highly aggrieved by the order passed by the Government imposing on me compulsory retirement, I beg to submit this Memorial for the reconsideration and favourable orders on the following amongst other grounds:-

1. I entered Government service on 16-12-1917 and was confirmed as lower division clerk in the office of the Assistant Inspector of Schools, South Kanara. For opening Service Register I was called upon to furnish my date of birth. My School Leaving Certificate sent to the Coorg Commissioner's Officer along with my application for appointment could not be got back. I submitted my date of birth according to my horoscope, maintain-

ed by my father and written upon a palm leaf. According to the horoscope my date of birth is 13-4-1896. This date of birth was accepted by the then appointing authority and entered in the Service Register. For more than 30 and odd years this date of birth stood unchallenged till 17th February 1949.

2. Suddenly I was called upon by the Principal, Government College, Mangalore, in R.C.No.133-A of 1949 dated 17-2-1949 to submit evidence regarding my date of birth and also particulars of my school career. I was then undergoing medical treatment in Radha Dispensary, Mangalore. I furnished the necessary information in my reply dated 14-4-1949 after I completely recovered and joined duty. I stated therein that my correct date of birth is as entered in the Service Register. This explanation was accepted by the Principal as no further orders ensued in the matter.

3. I was transferred to the Government Arts College, Coimbatore, on 26-4-1949 and within a week I was again transferred to the office of the Divisional Inspector of Schools, Coimbatore. There I received the Confidential Proceedings of the Director R.C.No.13834-C5/48 1 dated 23rd May 1949 calling upon me to submit my explanation why 13th April 1893 should not be taken as the correct date of my birth instead of 13th April 1896 entered in the Service Register and to submit my S.S.L.C. and any other documents as evidence for my statements to be made in the matter. To this I submitted my explanation dated 26-5-1949 wherein I denied that I had furnished the wrong date to the school as I was then a school-going boy. The only evidence I could easily find in the house was the old horoscope which was relied upon by the authority

who caused the entry of my date of birth in my Service Register when it was opened. It was submitted with my aforesaid explanation.

4. Before my explanation could reach the office of the Director I was placed under suspension pending enquiry into certain irregularities alleged been committed by me in his proceedir dated 27-5-1949 and I was relieved fc on 31-5-1949 at Coimbatore. This order does close who that person is that is making this false, mischievous and unsustainable allegation against me. Under Rule 15 (b) and 16 Madras Service Manuel, a copy of the report of the allegations should have been communicated along with the report of the Investigating Officer to me as accused officer. In direct violation of the rule laid by the Government the Director began to prosecute me on false charge of wrong date of birth as against the date which has not challenged for over 30 and odd years. No public interest would have been jeopardised by retaining me in Service. Besides I was not given any opportunity to cross-examine the person who has moved the Director charging me with this false and vexatious allegation. By passing this order of suspension, the Director has denied me the fundamental rights and privileges. Hence the order is illegal, unjust and against good conscience.

5. The Director passed orders in his proceedings dated 9-8-1949 rejecting the evidence tendered by the production of the horoscope and called upon me to furnish proof of my date of birth like the certified the register of births. Accordingly an applica-

tion for the grant of the copy of the register of births was made to the Tahsildar of Puttur Talu and I received an endorsement therein saying that the records applied for are not traceable in the records of his office. Thereafter I made an intensive search in our family house and discovered the [illegible]nada of the year "Dhurmuki" corresponding [illegible] in which my deceased father Kudukolli [illegible]d made an entry in his own hand on 13-4-1896 regarding my birth on that date. A sworn affidavit of my elder brother K. Babu Rao affirming that the entry in the Almanac was in the handwriting of my father now deceased, with that Almanac and the copy application with the endorsement of the Tahsildar was submitted on 27-8-1949 to the Director. It may be noted that my father died in 1922.

6. The endorsement of the Tahsildar of Puttur Taluk on my copy application for the extract of the register of births for the village of Chickmudnur where I was born proves the extreme difficulty of procuring any better evidence. The entry on the old Almanac for the year Dhurmuki was made contemporaneously with the event of my birth on 13th April 1896 by my deceased father, with a sworn affidavit of my elder brother proving the handwriting of my father before the Sub-Magistrate Mangalore, constitute the best and reliable evidence of my birth as against the allegation not proved as legal evidence in my presence. The Director ought to have accepted the above documents as the substantial legal proof of my birth on 13th April 1896 and can

suspension orders and issued orders
with full pay for suspension period;

7. On the other hand the Director had moved the Government to take the date of my birth as 13-4-1893 and to treat him as retired from service from 13-4-1948 and treat service after that day as re-employment.

8. The Government have passed orders G.O.Ms. 3527 Edn. dated 16th November 1949 accordingly without considering the merits of my case. The order of Government directing to take the correct date of my birth as 13-4-1893 as against the weight of evidence tendered in the case is unjust and against law. I have put in about 32 years of unblemished service and I have a year and a half more before me for retirement in normal course of events. Under the above order I am ordered to retire compulsorily with retrospective effect from 13-4-1948 and without pay, allowance, increments and full pension. In short, all rules in the C.S.R. and F.R. applicable to reinstatement in service, full pay for suspension period, future service, benefit of revised time-scale of pay, increment, retirement, extension in service, earned leave at credit, pension, etc. have been violated and harshly operated causing me substantial loss and damage. They did not consider it necessary even to refer to the confidential report on me for the period ending 30-9-1948, much less to the long and unblemished service I put in the Department, before arriving at the decision communicated in the G.O. quoted above.

Being thus highly aggrieved by these unjust and wrong orders I am submitting this Memorial to the Government for the redress of the grave wrongs done to me by reinstatement into service with full pay, allowance,

increment for the period under suspension.

I pray, therefore, that the Government may be graciously pleased to reconsider my hard case and accept the legal proof of my date of birth as 13-4-1896 and pass the necessary orders for my reinstatement as prayed for with full pay for the period of suspension, allowance, increment and such other orders may be deemed necessary in the case.

I may be permitted to state that if this patent wrong is not redressed I shall be compelled to take legal proceedings to have matter set right and protect my interests.

Memo No 99863 A-49-1 Edn. Dt 23.12.49

Edn. — M.M.S. — Sri K. Srinivasa Rao, Headclerk Govt college Mangalore. - Compulsory retirement — request for reconsideration

— —

Petition from Sri K. Srinivasa Rao Dt 17.12.49

— —

The attention of the D.P.I. is invited to the petition cited, the original of which has been sent to him and he is requested to offer his remarks on it at a very early date.

22/12/49 23/12/49

Confidential.

Office of the Director of Public Instruction, M a d r a s.
R.C. No.3834 C5/48 dated 30th January 1950.

Sub: Appointments - Madras Ministerial Service - Sri K. Srinivasa Ra formerly Head clerk, Government College, Mangalore - Retirement appeal against the orders - Submitting.

Ref: 1. Petition to Government dated 17/30-12-1949 from Sri K. Srinivasa Rao, Retired Headclerk, residing at Mangalore.
2. Government E & P.H. Department Memo No.99863-A/49-1 Edn. dated 23rd Decr. 1949.

===

S u b m i t t e d.

2. The attention of Government is invited to their Orders Ms.No.3527 Edn., dated 16-11-1949. The retirement ordered in the above G.O. is not 'compulsory retirement' as contemplated in the Civil Services (Classification, Control and Appeal) Rules, but is only a retirement on attaining the age of superannuation. There is, therefore, no question of following the procedure prescribed in the Civil Services (Classification, Control and Appeal) Rules.

3. The old Almanac for the year Durmuki referred to in paragraph 6 of the appeal was not received in this office.

4. The personal file of Sri K. Srinivasa Rao is submitted herewith with reference to paragraph 8 of the appeal, for Government perusal and return.

5. It is recommended that the appeal may be rejected.

for Director of Public Instruction.

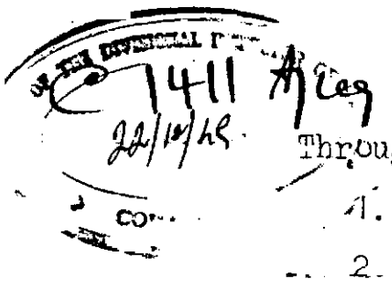
To the Secretary to Government, Edn. & Public Health Department.

MEMORIAL TO GOVERNMENT OF MADRAS.

To

The Secretary,

To The Government of Madras (Education),
Fort St. George, M a d r a s .



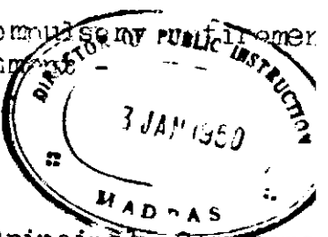
Through

1. The Director of Public Instruction, Madras.

2. The Divisional Inspector of Schools, Coimbatore.

Proceedings of the Divisional Inspector of Schools, Coimbatore,
D.Dis.No.1411 A/49 dated 26-12-1949

Sri K.Srinivasa Rao-Govt.college, Mangalore -compulsory retirement - request for reconsideration - memorial to Government -
His memorial dated 17-12-1949
From the Dt.Edl.Officer.



Returned for submission through the Principal, Government College, Mangalore.

No correspondence need be sent through the Divisional Inspector of schools, Coimbatore, in future.

V.Natarajan.
Divisional Inspector of Schools
Coimbatore Division.

Submitted to the Director of Public Instruction Madras

I.D.Srinivasa Rao

True copy forwarded
/By order/
Manager

To the Dt.Edl.Officer, Sri K.Srinivasa Rao
p.v.v.27/12

and favourable orders on the following amongst other grounds:-

1. I entered Government service on 16-12-1917 and was confirmed as lower division clerk in the office of the Assistant Inspector of Schools, South Kanara. For opening Service Register I was called upon to furnish my date of birth. My School Leaving Certificate sent to the Coorg Commissioner's Officer along with my application for appointment could not be got back. I submitted my date of birth according to my horoscope, maintain

ed by my father and written upon a palm leaf According to the horoscope my date of birth is 13-4-1896. This date of birth was accepted by the then appointing authority and entered in the Service Register For more than 30 and odd years this date of birth stood unchallenged till 17th February 1949.

2. Suddenly I was called upon by the Principa Government College, Mangalore, in R.C.No.133-A of 1949 dated 17-2-1949 to submit evidence regarding my date o birth and also particulars of my school career. I was then undergoing medical treatment in Radha Dispensary, Mangalore. I furnished the necessary information in my reply dated 14-4-1949 after I completely recovered and joined duty. I stated therein that my correct date of birth is as entered in the Service Register This explanation was accepted by the Principal as n further orders ensued in the matter.

3. I was transferred to the Government Arts College, Coimbatore, on 26-4-1949 and within a week I was again transferred to the office of the Divisional Inspector of Schools, Coimbatore. There I received the Confidential Proceedings of the Director R.C.No.3834-C5/48 1 dated 23rd May 1949 calling upon me to submit my explanation why 13th April 1893 should not be taken as the correct date of my birth instead of 13th April 1896 entered in the Service Register and to submit my S.S.L.C. and any other documents as evidence for my statements to be made in the matter. To this I submitted my explanation dated 26-5-1949 wherein I denied that I had furnished the wrong date to the school as I was then a school-going boy. The only evidence I could easily find in the house was the old horoscope which was relied upon by the authority

who caused the entry of my date of birth in my Service Register when it was opened. It was submitted with my aforesaid explanation.

4. Before my explanation could reach the office of the Director I was placed under suspension pending enquiry into certain irregularities alleged to have been committed by me in his proceedings R.C.3834-C5/48 dated 27-5-1949 and I was relieved forthwith from duty on 31-5-1949 at Coimbatore. This order does not disclose who that person is that is making this false, mischievous and unsustainable allegation against me. Under Rule 15 (b) and 16 Madras Service Manuel, a copy of the report of the allegations should have been communicated along with the report of the Investigating Officer to me as accused officer. In direct violation of the rule laid by the Government the Director began to prosecute me on false charge of wrong date of birth as against the date which has not challenged for over 30 and odd years. No public interest would have been jeopardised by retaining me in Service. Besides I was not given any opportunity to cross-examine the person who has moved the Director charging me with this false and vexatious allegation. By passing this order of suspension, the Director has denied me the fundamental rights and privileges. Hence the order is illegal, unjust and against good conscience.

5. The Director passed orders in his proceedings dated 9-8-1949 rejecting the evidence tendered by the production of the horoscope and called upon me to furnish better proof of my date of birth like the certified copy of the register of births. Accordingly an applica-

tion for the grant of the copy of the register of births was made to the Tahsildar of Puttur Taluk and I received an endorsement therein saying that the records applied for are not traceable in the records of his office. Thereafter I made an inten sive search in our family house and discovered the Almanac in Kannada of the year Dhurmuki corresponding to the year 1896 in which my deceased father Kudukolli Narayanappaya had made an entry in his own hand on 13-4-1896 regarding my birth on that date. A sworn affidavit of my elder brother K. Babu Rao affirming that the entry in the Almanac was in the handwriting of my father now deceased, with that Almanac and the copy application with the endorsement of the Tahsildar was submitted on 27-8-1949 to the Director. It may be noted that my father died in 1922.

6. The endorsement of the Tahsildar of Puttur Taluk on my copy application for the extract of the register of births for the village of Chickmudnur where I was born proves the extreme difficulty of procuring any better evidence. The entry on the old Almanac for the year Dhurmuki was made contemporaneously with the event of my birth on 13th April 1896 by my deceased father, with a sworn affidavit of my elder brother provin the handwriting of my father before the Sub-Magistrate, Mangalore, constitute the best and reliable evidence of my birth as against the allegation not proved as legal evidence in my presence. The Director ought to have accepted the above documents as the substantial legal proof of my birth on 13th April 1896 and cancelled the suspension orders and issued orders for my reinstatement with full pay for suspension period.

7. On the other hand the Director had moved the Government to take the date of my birth as 13-4-1893 and to treat me as retired from service from 13-4-1948 and treat service after that day as re-employment.

8. The Government have passed orders G.O.Ms. 3527 Edn. dated 16th November 1949 accordingly without considering the merits of my case. The order of Government directing to take the correct date of my birth as 13-4-1893 as against the weight of evidence tendered in the case is unjust and against law. I have put in about 32 years of unblemished service and I have a year and a half more before me for retirement in normal course of events. Under the above order I am ordered to retire compulsorily with retrospective effect from 13-4-1948 and without pay, allowance, increments and full pension. In short, all rules in the C.C.R. and F.R. applicable to reinstatement in service, full pay for suspension period, future service, benefit of revised time-scale of pay, increment, retirement, extension in service, earned leave at credit, pension, etc. have been violated & harshly operated, causing me substantial loss and damage. They did not consider it necessary even to refer to the confidential report on me for the period ending 30-9-1948, much less to the long and unblemished service I put in the Department, before arriving at the decision communicated in the G.O. quoted above.

Being thus highly aggrieved by these unjust and wrong orders I am submitting this Memorial to the Government for the redress of the grave wrongs done to me by reinstatement into service with full pay, allowance,

E.P.H. Dept [A]

No. 99863/49; From Sri K. Srinivasa Rao petition dt 11.12.49
From the D.P.I. No 3834 CS/48 dt 30.1.50

Petition - Sri K. Srinivasa Rao, formerly
Head Clerk, Govt College Mangalore -
for reconsideration of orders.

At (D)/cf. 15- the Govt ordered the retirement from service from 13.4.43 of Sri K Srinivasa Rao, taking his date of birth to be 13.4.1893. Sri K. Srinivasa Rao has now put in a petition requesting reconsideration of orders stating that he was born on 13.4.1890. Under Rule 20 (C) of the M.C.S. (C.C. & A) Rules, he is entitled to appeal to H.E. the Governor, but the present petition is addressed only to the Govt. This petition for reconsideration orders contains no fresh facts. The petition may be rejected. The threatened legal action may also be awaited. Pub (Ser) and Legal may see.

JKS
12/Sep
7/2/50
Pub (Ser)

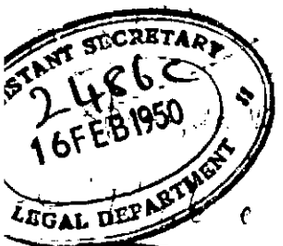
Legal

Pub (Ser). Dept

'K' above: As the Head clerk in question was not compulsorily retired from service within the meaning of rule 8 (vi) of the M.C.S. (C.C. & A) Rules vide para 2 of the D.P.I.'s letter at p. 9 c.f. there is no question of his being entitled to an appeal with refee to rule 20 (C) of those rules.

2. This dept may agree with E & P.H. that the petn may be rejected and that the threatened legal action may be awaited.

3. The file may be passed on to Legal



Pub (Ser) dept
No. 447/50-1

Legal Department

This Department may agree with the views of Public
n their note on the previous page.

Please see the Hon'ble Public (Rs)
and Legal from Plants. A draft
memo. ~~is this D.O.~~ is put up for approval.
The file may be circulated to Hon.(E&L)
before issue

May
24/2

T. 150

This clerk was retired as there was proof that he was over-aged notwithstanding the entries in his service register which were apparently ~~procured~~. The petition therefore deserv to be rejected.

H.M.(E.&)L.)

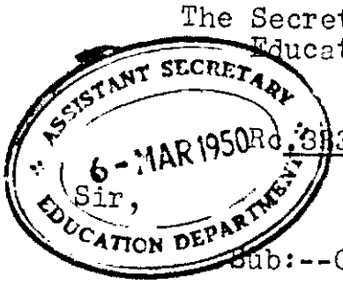
EDUCATION DEPARTMENT

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS

To

The Secretary to Government,
Education Department,
MADRAS.



Rc.3334C6/48 dated 3rd March 1950.

Sir,

Sub:--COMPENSATORY ALLOWANCE --House rent allowance to Sri K. Sreenivasa Rao, Upper Division Clerk, under suspension--Drawal of--Objection of the Accountant-General, Madras.

798

Ref:--Letter Rc.5AG/49 dated 21-1-50 from the Divisional Inspector of Schools, Coimbatore.

*****

In submitting herewith a copy of the letter from the Divisional Inspector of Schools, Coimbatore, referred to above, I request you to let me know whether the suspension orders issued by this Office needs to be cancelled in view of the fact that Government have treated the period of continuance of Sri K. Sreenivasa Rao in service after 13-4-48 as reemployment in G.O.No.Ms.3527 Education dated 16-11-49.

Yours faithfully,

For Director of Public Instruction

Clb.3-3-50.

Copy of the letter from the Divisional Inspector of Schools Rc.No.5AG/49 dated 21-1-50 to the Director of Public Instruction Madras.

*****

Sub:--Compensatory allowance--House Rent allowance--to Sri K. Sreenivasa Rao--Upper Division Clerk, under suspension Drawal of--objection of the Accountant-General, Madras

Ref:--Letter No.T.9 Comp 1 5 dated 14-12-49 of the Accountant-General, Madras.

Copy submitted to the Director of Public Instruction, Madras with reference to his Proceedings Rc.No.3334C6/48 dated 27-5-49.

2. Sri K.Sreenivasa Rao, Upper Division Clerk, was kept under suspension with effect from 1-6-49 as per Director's proceedings mentioned above. House rent allowance at Rs.5/-p.m. for 6 months for the period from 1-6-49 to 30-11-49 has been drawn by this Office and disbursed to Sri K.Sreenivasa Rao.

The Accountant General, Madras has objected to the drawal of House rent allowance on behalf of Sri K.Sreenivasa Rao in the absence of specific sanction of the same by the Director and requested the recovery of the same.

Subsistance allowance at the rate of Rs.44-3-0 per mensem has been drawn and disbursed to Sri K. Sreenivas

I request that the grant of the House rent allowance at the rate of Rs.5/- per mensem to Sri K.Sreenivasa Rao for the period from 1-6-49 to 30-11-49 may also be kindly sanctioned.

(Sd)x x x x x x x x x x
Divisional Inspector of Schools,
Coimbatore.

/True copy/

Copy of letter No.T9 Com.1 5 dated 14--12--49 of the Accountant General, Madras addressed to the Divisional Inspector of Schools, Coimbatore.

The item/items noted on the reverse is/are held under objection for the reasons stated against it/them. the information aksed for should be supplied, the defect removed or a full explanation furnished with an intimation of the action taken.

Sd/Asst. Accounts Officer.

As per Director of Public Instruction's Rc.No.3334C5/48 dated 27-5-49 Sri K.Sreenivasa Rao, clerk under suspendion is eligible to draw one half of the average pay and dearness allowance admissible under G.O. 99Fin. dated 29-1-48 taking the subsistance allowance as the pay for purpose of calculation of D.A. drawal of house rent allowance has not been sanctioned in Director's Proceedings cited above. The house rent allowance of Rs.15/- paid to him from 1-6-49 to this date in the absence of specific sanction may be recovered.

For Director of Public Instruction

Edn Dept

Telephone Message by Post

No 7984/50 Edn D 7.3.50

From

The Asst Secy to Govt, Edn Dept

To The Dy D.P.I

Sri. K. Srinivasa Rao ex-headclerk, Govt College, Mangalore - Cancella of order of suspension passed the D.P.I -

'Ref D.P.I's letter No: 3834 C: By 3.3.50.

Please furnish the following partic

(1) the amount of pension admissible Sri Srinivasa Rao if he had retire on 13.4.48.

(2) the amount actually paid to him as subsistence allowance during t period of suspension.

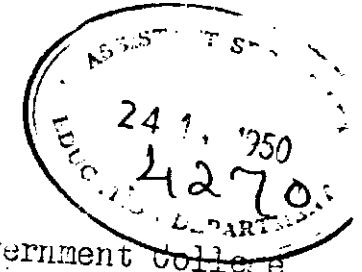
the Telephonic Message (No.3834 C5/48) 7 51

Office of the
Director of Public Instruction,
Madras, Dated 22-3-1950.

To

The Director of Public Instruction, Madras.

The Assistant Secretary to Government,
Education Department.



Sub: Sri K.Srinivasa Rao, Ex-Head Clerk, Government College, Mangalore - Cancellation of order of suspension passed by the Director of Public Instruction.

Ref: Your Telephonic Message by post No.798 A/50 Edn dated 7-3-50.

Sri K.Srinivasa Rao will be eligible for a pension of Rs.36/- per mensem if he had retired on 13-4-48.

2. He was paid a subsistence allowance of Rs.71-8-0 per mens (Rs.44-8-0 subsistence allowance, plus Rs.22/- Dearness allowance, pl Rs.5/- House Rent Allowance) during the period of suspension.

for Director of Public Instructio

Memo No 798 A/50-2 Edn dy 7.1.1/50

Sri. K. Srinivasa Rao, retired headclerk, Govt College, Mangalore – Objection regarding payment of house rent allowance during suspension

Ref letter from the D.P.I. No: 34 CS/4 Dy 3. 3. 50

Now put up

Divisional Inspector of Schools, Coimbatore

The Govt approve of the action of the ~~Principal, Govt College, Mangalore~~, in having paid house rent allowance at Rs 5/- p.m. to Sri. K. Srinivasa Rao for six months for the period from 1.6.49 to 30.11.49 during which he was under suspension.

12/4/50

12/4/50

12.4.50.

Note

The Directors suggestion to cancel his or the amount will then arise how to be dealt with. Whether on account of the order of suspension are only complicate matters. The best course would be to ratify the payment as Sri Srinivasa Rao is not likely to refund the amount. – please see the note by this dept on page 18 of G.O. No. 3527 Edn Dy 16.11.49.

12/4/50

12.4.50.

Fin (C.S.R)

The draft memo. above may be passed – please see proviso under FR 53(6)

11.11.50

dis[illegible]which [illegible] a Govt servant [illegible] m
y be allowed Compensatory allowance
dition to subsistence allowance.

K. R. KARANTH, B.A., LL. B.,
Advocate,
M a n g a l o r e , S. K.

To

The Secretary,
Education Department,
Government of Madras,
Fort Saint George, Madras.

Sir,

Suit Notice under Sec.80 of the Civil Procedure Code.

I am instructed by Sri K. Srinivasa Rao son of K. Narrappaya, formerly Head-clerk, Government College, Mangalore, to issue the following suit notice to the Government of the State of Madras:-

1. My client entered into the Government Civil Service on 16-12-1917. On confirmation as the Lower Division Clerk in the office of the Assistant Inspector of Schools, South Kanara, he was asked to furnish his date of birth for opening his Service Register. My client had submitted his School Leaving Certificate with his application for employment to the Chief Commissioner, Coorg, and he failed to recover it in spite of repeated attempts made in this behalf. He submitted, therefore, his horoscope written on a palm leaf by his late father as proof of his date of birth. The calendar date corresponding to this horoscope is 13-4-1896. This horoscope was accepted by the then appointing authority who caused the necessary entries in the Service Register for the last 30 years these entries stood unchallenged.

2. On 17-2-1949 my client was, however, suddenly and surprisingly, called upon by the Principal, Government College, Mangalore, to submit proof regarding his date of birth and particulars of his school career. My

client's explanation dated 14-4-1949 was accepted by the Principal, who did not think it worthwhile to pursue the matter any further.

3. My client was transferred to the Government Arts College, Coimbatore without any just cause on 26-4-1949 and within a week was again transferred to the office of the Divisional Inspector of Schools, Coimbatore. He was granted four months' leave by order R.C.No.525-A/49 dated 18-5-1949 and this leave was cancelled by another order dated 31-5-1949 issued by the Divisional Inspector of Schools, Coimbatore. My clients could not understand all the forces that were brought into play for harassing him until he was served with a copy of the proceedings R.C.No.3834-C5/48-1 dated 23-5-1949 of the Director of Public Instruction, Madras. Under the guise of these proceedings my client was charged with an offence of giving a false date of birth, without disclosing the complainant and the evidence on hand for launching such proceedings against my client. He was requested to submit his original S.S.L.C. and any other documents which he may wish to produce as evidence of his date of his birth. Within 2 days of these proceedings the Director suspended my client under proceedings dated 27-5-1949.

4. My client submitted his explanation on 28-5-1949 with the aforesaid palm-leaf horoscope written by his late father as his S.S.L.C. was not available as urged above. The Director was not pleased to accept this horoscope as reliable evidence in the matter while under law, this has to be treated as cogent legal proof as it is more than 30 years old and produced from proper custody The Director, however, directed my client to produce an extract of the Birth Register. An application was made

to the Tahsildar of Puttur Taluk, for grant of an extract of the Birth Register of Chikkamudnur village, wherein he was born. No extract was available as will be clear from the endorsement L.Dis.C.A.No.442/47 dated 19-8-1949 of the Tahsildar.

5. After making an intensive search at home my client discovered an old Almanac of Durmukhi Samvatsara (1896) which contained an entry of the date of his birth on 13-4-1896 in the handwriting of his late father Narnappaya who died in 1922. A sworn affidavit of his brother Sri K. Babu Rao proving the aforesaid entry made by their father as the date of birth of my client, the aforesaid Almanac and his copy application to the Tahsildar of Puttur Taluk and Tahsildar's endorsement were submitted as enclosures to his letter dated 27-8-1949 under a registered cover bearing postage of eleven annas. This cover was received in the office of the Director on 29-8-1949 by Sri N. C. Srinivasan, Senior Superintendent.

6. Either under Section 240, sub-section (3) of the Government of India Act, 1935 or Article 311(2) of the Constitution of India, it is clear that my client was not given any opportunity to file his statement to examine himself and other witnesses to cross-examine the undisclosed complainant relied upon by the Director for thus proceeding against my client as having given false evidence regarding his date of birth. It is also equally clear that at no time before his compulsory retirement or thereafter my client was allowed to see the report or the proposals of the Director or granted copies of the same, or was informed of the Director's proposal as against the evidence of the entry contained in the Durmukhi Samvatsara Almanac and other enclosures

(sent as above) to take 13-4-1893 as the correct date of his birth without any further enquiry, to treat him as having retired from service from 13-4-1948 and to hold his continuance in service after that date as re-employment. No opportunity to show cause against was given to him regarding the possible punishment of retiring him from service to the punishment definitely proposed and recommended by the Director. At no time the Government even granted an opportunity to him before accepting the punishment proposed and recommended by the Director. Hence the Government Order G.O.Ms.3527 Edn. dated 16-11-1949 is highly wrongful and unjust and not binding on my client. This order is further illegal as it has been passed without any previous notice of discharge or termination of service as required under the Civil Service Rules framed by the Government. His memorial dated 17-12-1949 was summarily rejected by the Government by an order passed in the memorandum No.99863-A-49-3 Edn. dated 1-3-1950. Thus the breach committed by the Government of the statutory obligations gives rise to cause of action on 16-11-1949 and 1-3-1950 to my client who is adversly affected by these orders for claiming damages. Hence the suit notice.

7. My client made a reference to the Director for early transmission of the Almanac and other enclosures sent on 27-8-1949 for consideration of the Government in the light of the grounds urged in his memorial To the surprise of my client, the Director informed him the Almanac had not been received in his office. A reference to the postal acknowledgment signed by Sri N. Srinivasan, Senior Superintendent on 27-8-1949 served no useful purpose as the Almanac must have been suppressed by those responsible for all this working in the office

of the Director. For no valid reason the Director withheld these valuable documents from the consideration of the Government either at the time of passing the said G.O.Ms.No.3527 Edn. dated 16-11-1949 or of rejecting the memorial on 1-3-1950. The remaining papers were returned to my client on 10-3-1950 under a registered cover bearing postage of seven annas (vide R-749 d/14-3-1950 Cathedral P.O.).

8. In normal course of events my client would have retired on 13-4-1951 on his completing the age of 55 years and would have drawn as salary and dearness allowance of Rs2,433-6-0 for the period from 1-6-1949 till 12-4-1950 and earned a pension of Rs45/- payable per month. Now he would be entitled to a pension of Rs36-8-0 per month. By the untimely and wrongful retirement, my client has been deprived of his privileged leave to his credit and was subject to much mental ~~shock and worry~~ worry and agony, humiliation and loss of honour and reputation by being suspended on a false allegation of giving a false date of birth. Besides he would have tried for a job if he had retired on the due date and with proper notice of discharge as required under the Civil Service Rules. For all such wrongful acts my client therefore claims Rs5,133-6-0 as damages for the loss of pay and allowances and compensation for reduced pension and mental agony, sufferings, etc. caused to him as mentioned above.

If by the expiration of 2 months from the receipt of this notice, the above is not paid by the Government a suit for claiming the above reliefs will be filed at the costs and consequences of the Government of Madras.

Particulars of the damages.

1. Pay, special pay, D.A. and O.C.A., Rs125 from 1-6-1949 to 31-12-1949.	Rs875 0 0
2. -do- -do- at Rs128 from 1-1-1950 to 31-12-1950	1536 0 0
3. -do- -do- at Rs131 from 1-1-1950 to 12-4-1951	445 6 0
	2856 6 0
LESS subsistence received from 1-6-1949 till 30-11-49 @ Rs70-8-0	423 0 0
	2433 6 0
Monthly loss in pension for 10 years at Rs10 per month	1200 0 0
Compensation for mental worries, etc.	1500 0 0
	5133 6 0

Endt- No 6511 A/50-1 Edn DD 12/4/50

Sri. K. Srinivasa Rao, retired Headclerk Govt College, Mangalore - Suit ag Govt - Notice

Ref letter from Sri. K.R. Karan Advocate, Mangalore dy 8.4.

Referred to the D.P.I for very early remarks particularly about the allegations that the almanac was not [illegible] returned to Sri. K. Srinivasa Rao, the matter [illegible] be treated as Specially urgent.

12/4/50 — 12/4/50 — D.P.I. 12.4.50.

copy to:

Note

For the history of the case please see Director's letter on the 1-3 of Endt No 3827 Edn dt.

12/4/50 — 12/4/50 — D.P.I. 12.4.50.

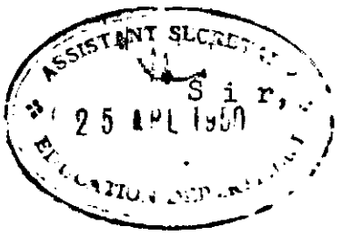
From

The Director of Public Instruction, M a d r a

To

The Secretary to Government,
Education Department.

R.O.C. No.3834 C5/48 dated 24th April 1950.



Sir,

Sub: Sri K. Srinivasa Rao, Retired Headclerk, Government College, Mangalore - Suit against the Government - Notice.

Ref: Government Endt. No.6511 A/50-1 Edn., dated 14-4-50.

£££

With reference to the Government Endt. quoted above, I have the honour to submit herewith this office current file No.3834 C5/48 containing 1 to 182 pages on the subject for favour of perusal and return. In this connection I invite the attention of Government to my letter R.O.C.No.3834 C5/48 dated 4-10-49 - vide pages 131-136 of current file wherein I have explained the case in detail and to the orders thereon issued by the Government in G.O.No.Ms.3527 Edn., dated 16-11-1949 (vide page 141 of the current file).

2. The old Almanac for the year "Durmukhi" said to have been submitted by Sri K. Srinivasa Rao has not been received in this office. The records submitted by him with his letter dated 27-8-49 except the old Almanac for the year "Durmukhi" have been received in this office and acknowledged by the then Senior Superintendent (Sri N.C. Srinivasan) on 29-8-1949. The non-receipt of the old Almanac in this office has been reported to Government in para 3 of my endorsement R.O.C.No.3834 C5/48 dated 30-1-1950 (vide page 155

34 67/ Edn dept 4

6511 A/50-3 Edn 8/4/50

Sri K. Srinivasa Rao, Head ... Mangalore, Suit against ...

... 3834 ...

of the current file). All the records received from Sri K. Sriniv Rao were returned to him by registered post in my Proceedings R.C.No.3834 C5/48 dated 10-3-1950 (vide page 175 of the current f and he has been informed of the non-receipt in this office of the Almanac under reference.

Education Depart (A).

From Sri K.R. Karanth- Suit Notice dated 8-4-50.

From the D.P.I. No.3834 C5/48 dated 24-4-50.

Sri K. Srinivasa Rao, Retired Head Clerk, Govt. College, Mangalore- Suit against Government.

In G.O.No.3527 Edn. dated 16-11-49, one Sri K. Srinivasa Rao, who was working as a Head-Clerk in the Govt College, Mangalore was deemed to have been retired from service on 13-4-48 in view of the fact that the date of birth entered in the Service Register was found to be incorrect and taking his correct date of birth to be 13.4.1893. Sri K. Srinivasa Rao then submitted to Govt. a petition requesting reconsideration of the orders in the G.O. mentioned above and also threatened in it that he would take legal action if his request was not granted. That petition was rejected- Vide Memo No.99863 A/49-3 Edn. dated 1-3-50. Now Sri K.R. Karanth, Advocate of Sri K. Srinivasa Rao has ~~now~~ given a suit notice claiming damages to the amount of Rs.5133-6-0 for the loss of pay, reduced pension, mental agony, sufferings etc caused to Sri K. Srinivasa Rao. It is stated that if by the expiration of 2 months from the receipt of the notice i.e. by 10.6.50, the amount is not paid by the Government, a suit for claimi it will be filed at the cost and consequences of the Govt.

2. Attention is invited to the D.P.I's letter on pp 1-3 c.f. of 'D' which explains all the points raised in the suit notice. The ex-clerk contends that his date of birth was 13-4-1896 and as proof he states to have submitted to the D.P.I,

(1) his palmleaf horoscope,

(2) the sworn affidavit of his brother, and

(3) an alamnac for the year 1896 which contained an entry of the date of his birth on 13-4-1896 in the handwriting of his late father.

The D.P.I. says that item 3 was not received in his office- (vide the entry not received on p 124 of (L) and para 2 of the Director's letter to the ex-Clerk on p 162 of 'L'. The Ex-Clerk could not produce his S.S.L.C. or an extract from the Birth Register as required by the D.P.I. as the former is stated to have been lost with his application for employment to the Chief Commissioner, Coorg, and the latter (extract) could not be got from the Tahsildar, Puttur as the relevant records were not traceable. As against these documents to prove ~~from~~ the date of birth to be 13-4-1896 there are clear and more ~~now~~ substantial proofs in the records of the schools in which the ex-clerk studied that the date of birth was 13-4-1892 or 1893 - Vide L/~~B~~, L/53, L/55, L/95, L/97, L/99 There is also the strong suspician that the date of birth ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ entered in the Service Book had been ~~xxx~~ tampared with. vide paras 6 & 7 of the letter on pp 2-3c.f. of 'D'. As there was strong doubt about the correct date of birth, the D.P.I. tried to gather all the relevant records and from the documents available he came to the conclusion that the correct date of birth was 13-4-1893, with which the Government agreed. Consequently the clerk was treated as having retired from service from 13-4-48. It was not compulsory retirement or any punishment as tried to show in the suit notice but only a retirement on attaining the age of superannuation. There was therefor no question of following the procedure prescribed in the Civil Services (C.C.& A.) Rules.

Pub (Sr.)
DEPUTY SECRETARY
30 MAY 1950
39677
FINANCE DEPARTMENT

In the circumstances the suit notice may be rejected and the case defended in the court if and when it is brought before it. The remarks of the Legal Dept may be invited.

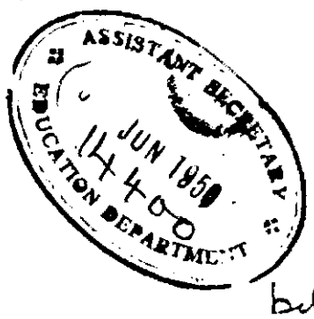
This Department may agree with the course suggested

The notes of Edn on pp 1-3
be perused. The course suggested at 1
on p 2 above may be agreed to in Fin a
also.

2.6.50
2.6.50

7N
-3/6/50

For decn A



Legal and Finance deptl. agree with this draft which may be approved. The decision below is for cabinet.

1143
6.6.50
1103
6.6.50

7/6/50

$.

7.6.50.

A.S. Hamilton
the Secretary
7/6/50

EDUCATION DEPARTMENT.

FROM

THE DIRECTOR OF PUBLIC INSTRUCTION, MADRAS.

To

The Secretary to Government, Education Department.

Rc.No. 3834 C5/48 dt. 2/10/50.

Sir,

Sub:-Compulsory retirement of Sri K. Srinivasa Rao, Former Head Clerk, Government College, Mangalore.

Ref:- G.O.Ms.No.3527 Edn. dt. 16/11/49. P/15

In the G.O. referred to above, it has been ordered that the correct date of birth of Sri K. Srinivasa Rao, formerly Head clerk, Government College, Mangalore be taken as 13-4-1893, that he be treated as having retired from service from 13-4-48 and that his continuance in service after that date might be treated as re-employment. It is now reported by the Prinicipal Government College, Mangalore, that Sri K. Srinivasa Rao, was paid full pay and allowances for the period from 13-4-48 to 31-5-49 when he was actually on duty and that he was paid a subsistence allowance of Rs.44-8-0 per mensem. equivalent to half his substantive pay plus Rs.22/- Dearness Allowance and Rs.5/- house rent allowance for the period from 1-6-49 to 30-11-49. Sri K. Srinivasa Rao now requests that he might be paid the difference between his pay and the subsistence allowance for the period from 1-6-49 to 30-11-49 in view of the Government orders treating the period of service from 13-4-48 onwards as re-employment. Kindly let me know whether Sri K. SrinivasaRao may now be paid the difference between his full pay and subsistence allowance for the period from 1-6-49 to 30-11-49, as this period has been ordered to be treated as re-employment.

I also request that early orders of Government may be passed on my letter Rc.No.3834 C5/48 dt. 14/6/50.

kdm

338 Cr

30160 G/50

Colleges - Govt College, Mangalore
Sri K. Srinivasa Rao, formerly
Head Clerk - Payment
of full pay during the period of
Suspension

G/281/50 From the DPI Nos 3834 E5/48 & 2 x 50

Memo No 30960 G/50.2 dated 27 x 50

The D.P.I is informed that
the request of Sri K. Srinivasa Rao
for payment of the difference between
his full pay and subsistence
allowance during the period 1-6-49 to
30-11-49, cannot be complied with.

To
DPI

dkm
12 pm
Rj
13.10.50.

dkm
30/10

MM
14/10/50

Note
The case is explained in the
notes on pp 17-18 of C5. Sri K Srinivasa
Rao was kept under suspension from
1-6-49 to 30-11-49 during which time
he was paid the subsistence
allowance. The final Order of the Govt
were against him. Even his petitions
for re-consideration of the Orders were
rejected twice. His present request for
payment of full pay during the
period of suspension instead of the
subsistence allowance cannot therefore
be complied with.
Finance may see the draft Letter
Issue

MM
14/10/50

Rs. 71-8-0 p.m.
which was more than
the pension of Rs. 36-8-0 he was drawing

ADDITIONAL JOINT SECRETARY
17 OCT 1950
FINANCE DEPARTMENT

kdm no 30960 G/50.1

1103
12 pm Rj

7in (Kth)

maybe perused and returned to Co

A
25/X/50

Ko
25/X/50

Issue
HM
27/10/50

M/M.P.-O. 87952/50
25-X-50